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Conseil de sécurité

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Lettre datée du 25 juin 2020, adressée au Secrétaire général et aux représentantes et représentants permanents des membres du Conseil de sécurité par le Président du Conseil

J'ai l'honneur de vous informer que le Conseil de sécurité a mené à bien la procédure de vote sur le projet de résolution portant la cote S/2020/579, présenté par le Viet Nam au titre de la question intitulée « Mécanisme international appelé à exercer les fonctions résiduelles des Tribunaux pénaux ». Le vote s'est déroulé selon la procédure énoncée dans la lettre datée du 27 mars 2020 adressée aux représentantes et représentants permanents des membres du Conseil de sécurité par le Président du Conseil (S/2020/253), procédure qui a été arrêtée en raison de la situation exceptionnelle résultant de la pandémie de COVID-19.

La Directrice de la Division des affaires du Conseil de sécurité a reçu les lettres des 15 membres du Conseil communiquant la position de leur pays sur le projet de résolution portant la cote S/2020/579. Le résultat du vote est le suivant :

Voix pour :

Afrique du Sud, Allemagne, Belgique, Chine, Estonie, États-Unis d'Amérique, France, Indonésie, Niger, République dominicaine, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Saint-Vincent-et-les Grenadines, Tunisie, Viet Nam.

Voix contre :

Néant.

Abstentions :

La Fédération de Russie.

Le projet de résolution a recueilli 14 voix pour, aucune voix contre et une abstention (la Fédération de Russie). Le texte est adopté en tant que résolution 2529 (2020) du 25 juin 2020. Le texte de la résolution, qui figure en annexe à la présente lettre*, sera publié sans délai comme document du Conseil de sécurité.

Le Président du Conseil de sécurité
(*Signé*) Nicolas **de Rivière**

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* Distribuée en anglais seulement.

Annex

United Nations S/RES/2529 (2020)

Security Council

Distr.: General
25 June 2020

Resolution 2529 (2020)

Adopted by the Security Council on 25 June 2020

The Security Council,

Reaffirming its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Criminal Tribunal for Rwanda (ICTR), and the International Tribunal for the former Yugoslavia (ICTY) being brought to justice and, in this regard, *recalling* the mandate of the International Residual Mechanism for Criminal Tribunals (Mechanism) established by resolution 1966 (2010) of 22 December 2010,

Recalling Article 25 and Article 26 of the Statute of the Mechanism, set out in Annex 1 to resolution 1966 (2010), concerning the supervision of the enforcement of sentences and pardon or commutation of sentences, respectively,

Having regard to Article 14, paragraph 4 of the Statute of the Mechanism,

Recalling its decision in resolution 2422 (2018) adopted on 27 June 2018 appointing the Prosecutor of the Mechanism for a period from 1 July 2018 until 30 June 2020, and that the Prosecutor of the Mechanism may be appointed or reappointed for a two-year term, notwithstanding Article 14, paragraph 4 of the Statute of the Mechanism,

Having considered the nomination by the Secretary-General of Mr. Serge Brammertz as Prosecutor of the Mechanism (S/2020/580),

Recalling the strong need for States to cooperate with the Mechanism to achieve the arrest and surrender of those remaining fugitives indicted by the ICTR, and, in this regard, *recalling also* General Assembly resolution 74/273 of 21 April 2020 adopted during the review period,

Recalling its decision in resolution 1966 (2010) that the Mechanism shall operate for an initial period of four years from the first commencement date referred to in paragraph 1 of the resolution, to review the progress of the work of the Mechanism, including in completing its functions, before the end of this initial period and every two years thereafter, and that the Mechanism shall continue to operate for subsequent periods of two years following each such review, unless the Security Council decides otherwise,

Noting that the current period of operation of the Mechanism ends on 30 June 2020,

Having conducted its review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in June 2018, pursuant to paragraph 17 of resolution 1966 (2010) and in accordance with the procedure set out in the statement of its President of 28 February 2020 (S/PRST/2020/4),

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to appoint Mr. Serge Brammertz as Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 July 2020 until 30 June 2022;

2. *Urges* States to cooperate fully with the Mechanism;

3. *Continues to urge* all States, especially States where fugitives are suspected of being at large, to intensify their cooperation with and render all necessary assistance to the Mechanism, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the ICTR as soon as possible;

4. *Notes* with concern that the Mechanism faces problems in the relocation of acquitted persons and convicted persons who have completed serving their sentence, *emphasises* the importance of finding expeditious and durable solutions to these problems, including as part of a reconciliation process, *encourages* all efforts to that end, and, in this regard, *reiterates* its call upon all States to cooperate with and render all necessary assistance to the Mechanism;

5. *Welcomes* the arrest in France on 16 May 2020 of Félicien Kabuga, indicted for genocide and crimes against humanity allegedly committed in Rwanda in 1994, *commends* the cooperation between the Mechanism, in particular the Office of the Prosecutor, and law enforcement and judicial authorities in France, as well as Rwanda, Belgium, the United Kingdom, Germany, Austria, the Netherlands, Luxembourg, the United States, Switzerland and others, together with EUROPOL and INTERPOL, which contributed to locating and to the arrest of the fugitive, and *recognises* this is an important step of cooperation with the Mechanism, in accordance with paragraph 4 of resolution 2422 (2018), to bring to justice persons indicted by the ICTR;

6. *Emphasises* that, in view of the substantially reduced nature of the residual functions, the Mechanism was established to be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions, and, recognising in this regard the full commitment to these elements expressed by the Mechanism, *requests* the Mechanism to continue to be guided in its activities by these elements;

7. *Welcomes* the report (S/2020/309) submitted by the Mechanism to the Council pursuant to its Presidential Statement (S/PRST/2020/4) for the purposes of the review of the progress of the work of the Mechanism, including in completing its functions, as required by paragraph 17 of resolution 1966 (2010), and the report of the Office of Internal Oversight Services (OIOS) on the evaluation of the methods and work of the Mechanism (S/2020/236), taking note of the OIOS's conclusions on the Mechanism's implementation of the OIOS recommendations and paragraph 8 of resolution 2422 (2018);

8. *Takes note* of the work of the Mechanism to date, in particular development of a legal and regulatory framework, procedures, and working practices consistent with the Statute of the Mechanism and drawing on lessons learned from

and best practices of the ICTY and ICTR and of other tribunals, including use of rosters to ensure judges and staff are utilized only when required, enabling judges and staff to work remotely to the maximum extent possible, and minimizing the need for full bench participation in pre-trial and pre-appeal hearing work, in order to produce substantial reductions in the costs of judicial activities compared to those of the ICTY and ICTR, and *commends* the Mechanism for its efforts to produce such reductions;

9. *Notes* further the views and recommendations made with regard to the Mechanism's work by the Council's Informal Working Group on International Tribunals, as reflected in this resolution, and *requests* the Mechanism to take into account those views and implement the recommendations, and to continue to take steps to further enhance efficiency and effective and transparent management, in particular: (i) full implementation of the outstanding recommendations of the OIOS; (ii) production of clear and focused projections of completion timelines at the earliest stage possible and disciplined adherence thereto; (iii) continued ensuring of geographic diversity and gender balance of staff, while ensuring continued professional expertise; (iv) continued implementation of a human resources policy consistent with its temporary mandate; (v) further reduction of costs, including through, but not limited to, flexible staff engagement; and (vi) coordination and information sharing across the three organs of the Mechanism on matters that affected them equally in order to ensure systematic thinking and planning about the future;

10. *Reiterates* its request to the Mechanism to include in its six-monthly reports to the Council information on progress achieved in implementing this resolution, as well as detailed information on the staffing of the Mechanism, respective workload and related costs with breakdown by division and detailed projections of the duration of residual functions based on available data;

11. *Recalls* the importance of ensuring the rights of persons detained on the authority of the Mechanism in accordance with applicable international standards, including those related to health care;

12. *Recalls* its encouragement to the Mechanism in resolution 2422 (2018) to consider an appropriate solution to the approach to early release of persons convicted by the ICTR, and *notes* that during the review period, conditions on early release in appropriate cases were put in place and the Mechanism refined procedures in this regard;

13. *Notes* the conclusion of the Council's review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in June 2018, pursuant to resolution 1966 (2010);

14. *Recalls*, with a view to strengthening independent oversight of the Mechanism, that, as set out in its Presidential Statement (S/PRST/2020/4), future reviews carried out pursuant to paragraph 17 of resolution 1966 (2010) shall include evaluation reports sought from the OIOS with respect to the methods and work of the Mechanism;

15. *Decides* to remain seized of the matter.